



United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0253-Room 2610-S
1400 Independence Avenue, SW
Washington, DC 20250

April 2007

APPENDIX 1

ANNUAL CERTIFICATIONS, REPRESENTATIONS, AND WARRANTIES

ANNOUNCEMENT LS-132

FROZEN, BREADED, CATFISH PRODUCTS

Certifications, Representations, and Warranties

THESE CERTIFICATIONS CONCERN MATTERS WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER THE UNITED STATES CODE, INCLUDING TITLE 18, U.S.C. SECTION 1001.

This Appendix is incorporated by reference in Announcement LS-132 (Announcement) and must be submitted to the Contracting Officer so that a determination of responsibility can be made with respect to offers submitted in response to invitations issued under the Announcement. The Livestock and Seed Program of the Agricultural Marketing Service (LS-AMS) will retain this Appendix on file as the Offeror's certifications, representations, and warranties for subsequent invitations for offers under the Announcement. By signing an offer under the Announcement, the Offeror certifies and warrants that the Appendix on file with LS-AMS is current. Offerors are responsible for updating this Appendix as may be necessary prior to, or with any applicable offer submitted.

A false certification may result in rejection of an offer, suspension or debarment, termination of the contract, liability for damages under the provisions of USDA-1, or criminal prosecution.

1. Notice of Requirements for Certification of Nonsegregated Facilities

By signing an offer under this Announcement, the Offeror will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" of article 31 of USDA-1.

2. Responsibility of Offeror

- A. Offeror certifies that the producing plant(s) specified in offer is a facility(s) operating in accordance with regulation (50 C.F.R., Part 260).
- B. Offeror agrees to include the certifications in paragraph A above in all applicable subcontracts.
- C. Offeror shall assure that fish products furnished by a subcontractor/supplier comply with all specification requirements as set forth in the applicable product specification.
- D. Offeror agrees to include the certifications in paragraphs A, B, and C above (substituting the word "subcontractor" for "offeror") in all applicable subcontracts.

3. Buy American Certification

By submitting an offer, the Offeror certifies that all end products are of domestic origin as defined in section I.F. of the Announcement. This provision is a deviation from 48 C.F.R. Part 25.

4. Domestic Products Certification

A. Responsibility

1. The Offeror agrees to deliver only end products originating from U.S. farmed raised catfish and must be United States produced as defined in section I.F. of the Announcement. Additionally, offeror agrees that other minor ingredients will be United States produced, unless such product is not manufactured in the United States.
2. The Offeror agrees to obtain approval of its domestic origin program prior to performance on USDA contracts for compliance with the domestic product requirements as defined in I.F. of the Announcement.
3. The Offeror agrees to include section I.F. "Domestic Products" in its entirety in all subcontracts for agricultural supplies used in fulfilling any contracts awarded under this Announcement.
4. The Offeror agrees to maintain records including, but not limited to, invoices, production, and inventory records evidencing product origin; and to make such records available for review by the Government in accordance with Article 76 of USDA-1.

B. In making each shipment under the contract, the Contractor is certifying that all products delivered to USDA under the contract are domestic as defined in section I.F. of the Announcement.

5. Small Business Program Representation

A. The North American Industry Classification System (NAICS) Code

1. The NAICS Code for this acquisition is 311712.
2. For the frozen packaged fish industry, a business with less than 500 employees is classified as a small business under the Small Business Act.
3. The small business size standard for a concern which submits an offer in its own name, other than a construction or service contract, but which proposes to furnish a product which it did not itself manufacture is 500 employees.

B. Notice of Total Small Business Set-Aside (Applicable if procurement is a Total Small Business Set-Aside)

1. Offers are solicited only from small business concerns. Offers received from concerns that do not qualify as small business concerns will be considered nonresponsive and will be rejected. However, before rejecting an offer otherwise eligible for award because of questions concerning the size representation, an SBA determination must be obtained.
2. Any award resulting from this solicitation will be made to a small business concern.

C. Agreement

A manufacturer or non-manufacturer submitting an offer in its own name warrants delivery of only small business set-aside end items manufactured or produced by small business concerns inside the United States, its territories or possessions, Puerto Rico, or the Trust Territories of the Pacific Islands.

6. Contingent Fee Representation (Circle Option at A and B)

The Offeror represents that, except for full-time bona fide employees working solely for the Offeror, the Offeror

- A. **(HAS) (HAS NOT)** employed or retained any person or company to solicit or obtain this contract; and
- B. **(HAS) (HAS NOT)** paid or agreed to pay to any person or entity employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

7. Central Contractor Registry (CCR) Certification (Circle One)

Offeror certifies that the offeror **(HAS) (HAS NOT)** registered under the CCR system as prescribed in Title 48 C.F.R. Subpart 4.1104

8. The certifications, warranties, and representations as set forth in this Appendix and part C and D of USDA-1, are hereby made.

IN WITNESS WHEREOF, the undersigned has executed this Appendix

_____ day of _____, 2005.

NAME OF FIRM: _____

SIGNATURE ¹: _____ TITLE: _____

(Typed Name of the Officer of the Company)

TYPE OF FIRM: _____
(Corporation, Partnership, Individual Proprietorship)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE NO: _____ FAX NO: _____

E-MAIL ADDRESS: _____

¹ **Before signing this Appendix, See article 6 of USDA-1, Signing Of Offers**